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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/826,468

04/16/2004

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20423-08701

1485

34415 7590 03/23/2009

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EXAMINER

GREENE, JOSEPH L

ART UNIT

PAPER NUMBER

2451

NOTIFICATION DATE

DELIVERY MODE

03/23/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/826,468	Applicant(s) LINHARDT, PETER	
	Examiner JOSEPH L. GREENE	Art Unit 2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-13,16-19-21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-13,16-19-21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-3, 6-13, and 16-23 are currently pending in this application.
2. Claims 1, 6, 10, and 21-22 are amended as filed on 11/17/2008.
3. Claims 4-5, 14-15, and 20 are canceled as filed on 11/17/2008.
4. Claim 23 is new as filed on 11/17/2008.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 1-3, 6-13, 16-19, and 21-23 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

7. With respect to claims 1, 10, and 21, they contain the limitation “**based at least in part on the reliability of the detectors that output the netspecs.**” The succinct and definitive meaning of the reliability of the detectors is unclear. Even though the specification states as a reference to reliability on page 14 that “**Joe may not wish for all of the detectors 3 to be used for all possible network connectors, because he may consider some detectors 3 to be less reliable than others,**” it is still not

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completely clear what is encompassed by the scope of reliability. For examination purposes, the limitation will be treated as if referring to whether or not the detector is functioning.

8. Likewise, claims 2-3, 6-9, 11-13, 16-19, and 22-23 are all dependent upon either of claims 1, 10, or 21 and are thus, also rejected.

Claim Rejections - 35 USC § 101

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claims 10-13 and 16-19 are rejected under 35 USC 101 as the claims are directed to non-statutory subject matter.

11. With respect to claim 10, it does not contain any elements that are definitively embodied as hardware. The claim appears to be directed towards detectors that are modules per page 4 of the applicant's specification. However, modules are not definitively defined to be either hardware or software. The examiner encourages the applicant to specify in or point out from within the specification the hardware element associated with the modules for future prosecution.

12. Likewise, claims 11-13 and 16-19 are dependent upon claim 10 and are thus, also rejected.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1, 9-10, 18-19, and 21-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Moore et al. (Patent No. US 7,000,015 B2), hereinafter Moore.

15. With respect to claim 1, Moore disclosed a method for associating computer network identifications with network policies (column 17, lines 4-7), said method comprising the steps of: analyzing a network interface associated with a client computer using a plurality of network detectors (column 13, lines 28-34, 38-44, where the NLRSP is not a single entity, rather, it is a set of services that combined form the plurality of network detectors. Furthermore, analysis is required to perform the functions of the NLRSP), the detectors outputting a set of netspecs (column 14, lines 61-66, where the set of netspecs is the GUID and the other information that applications frequently need), each netspec comprising a first token identifying a detector used for the analysis (column 14, lines 61-66, where the GUID is discovered by the first token according to the first token's description found in the applicant's specification on page 5) and a

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second token identifying the analyzed network interface (column 14, lines 61-66, where the other information is determined from the second token. Also, see column 16, lines 27-29, which shows that detecting an IP address is part of the NLRSP in accordance with the applicant's specification on page 5);

Moore also disclosed sorting the set of netspecs in a priority order based at least in part on the reliability of the detectors that output the netspecs (column 14, lines 61-66, where the set of netspecs is the GUID and the if a detectors is unreliable, i.e. fails, then it will not send the associated data that would have been detected. Thus, the prioritization has been modified as the data is not there to be prioritized Furthermore, the priority module that the data is in would be the data structure responsible for storing the information. Where the priority could be as simple as grabbing the next piece of data in a queue.); associating the network identifications made by the netspecs with locations based at least in part on the priority order of the set of netspecs (column 13, lines 43-44, where the priority order is the one in the aforementioned queue) and feeding associated network identification/ locations pairs (column 13, lines 59-67 to column 14, line 1) to a network interface module to implement desired network policies (column 13, lines 28-34).

16. As for claim 9, Moore disclosed all of the limitations described in claim 1, including wherein the step of feeding the associated network identification/location (column 13, lines 59-67 to column 14, line 1) pairs to a network interface module

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comprises using a policy guide to feed the network identification/location pairs to the network interface module on a real-time basis (column 13, lines 38-42).

17. With respect to claim 10, Moore disclosed an apparatus for associating computer network identifications with network policies (column 17, lines 4-7), said apparatus comprising the steps of: analyzing a network interface associated with a client computer using a plurality of network detectors (column 13, lines 28-34, 38-44, where the NLRSP is not a single entity, rather, it is a set of services that combined form the plurality of network detectors. Furthermore, analysis is required to perform the functions of the NLRSP), the detectors outputting a set of netspecs (column 14, lines 61-66, where the set of netspecs is the GUID and the other information that applications frequently need), each netspec comprising a first token identifying a detector used for the analysis (column 14, lines 61-66, where the GUID is discovered by the first token according to the first token's description found in the applicant's specification on page 5) and a second token identifying the analyzed network interface (column 14, lines 61-66, where the other information is determined from the second token. Also, see column 16, lines 27-29, which shows that detecting an IP address is part of the NLRSP in accordance with the applicant's specification on page 5);

Moore also taught sorting the set of netspecs in a priority order based at least in part on the reliability of the detectors that output the netspecs (column 14, lines 61-66, where the set of netspecs is the GUID and the if a detectors is unreliable, i.e. fails, then it will not send the associated data that would have been detected. Thus, the

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prioritization has been modified as the data is not there to be prioritized. Furthermore, the priority module that the data is in would be the data structure responsible for storing the information. Where the priority could be as simple as grabbing the next piece of data in a queue.); coupled to the sorting means, means for associating the network identifications made by the netspecs with locations (column 13, lines 43-44, where the priority order is the one in the aforementioned queue) and feeding associated network identification/ locations pairs (column 13, lines 59-67 to column 14, line 1) to a network interface module to implement desired network policies (column 13, lines 28-34).

18. As for claim 18, Moore disclosed all of the limitations described in claim 10, including wherein the feeding means comprises: a policy guide for associating the network identifications with the locations (column 13, lines 59-67 to column 14, line 1, where the policy guide is inherent to unique naming); wherein the network interface module implements the network policies based upon the locations fed to the network interface module by the policy guide (column 13, lines 28-34).

19. As for claim 19, Moore disclosed all of the limitations described in claim 10, including coupled to the network interface module, a user interface adapted to enable a user of the client computer to associate the locations with the network policies (column 17, lines 4-7, furthermore, it is implicit that if a user is to interface with the device, then there will be some sort of user interface present).

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20. With respect to claim 21, Moore disclosed at least one computer readable-medium containing computer program instructions for associating computer network identifications with network policies, said computer program instructions comprising the steps of: (column 17, lines 4-7), said method comprising the steps of: analyzing a network interface associated with a client computer using a plurality of network detectors (column 13, lines 28-34, 38-44, where the NLRSP is not a single entity, rather, it is a set of services that combined form the plurality of network detectors.

Furthermore, analysis is required to perform the functions of the NLRSP), the detectors outputting a set of netspecs (column 14, lines 61-66, where the set of netspecs is the GUID and the other information that applications frequently need), each netspec comprising a first token identifying a detector used for the analysis (column 14, lines 61-66, where the GUID is discovered by the first token according to the first token's description found in the applicant's specification on page 5) and a second token identifying the analyzed network interface (column 14, lines 61-66, where the other information is determined from the second token. Also, see column 16, lines 27-29, which shows that detecting an IP address is part of the NLRSP in accordance with the applicant's specification on page 5).

Moore also taught sorting the set of netspecs in a priority order based at least in part on the reliability of the detectors that output the netspecs (column 14, lines 61-66, where the set of netspecs is the GUID and the if a detectors is unreliable, i.e. fails, then it will not send the associated data that would have been detected. Thus, the prioritization has been modified as the data is not there to be prioritized Furthermore,

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the priority module that the data is in would be the data structure responsible for storing the information. Where the priority could be as simple as grabbing the next piece of data in a queue.); associating the network identifications made by the netspecs with locations (column 13, lines 43-44, where the priority order is the one in the aforementioned queue) and feeding associated network identification/ locations pairs (column 13, lines 59-67 to column 14, line 1) to a network interface module to implement desired network policies (column 13, lines 28-34).

21. As for claim 22, Moore disclosed all of the limitations described in claim 1, including wherein the client computer has a plurality of network interfaces (column 17, lines 4-19, where an ICS policy is for a first interface and a corporate firewall policy is for a second interface) and further comprising: analyzing each of the plurality of network interfaces using the plurality of network detectors (column 16, lines 55-57, where determining connection types is analyzing network interfaces); and analyzing the netspecs for the plurality of network interfaces output by the plurality of network detectors to identify a set of unique network interfaces (column 16, lines 58-60, where resolving an internet name utilizes the netspecs obtained by the NLRSP); wherein interfaces in the set of unique network interfaces are associated with locations responsive to the set of netspecs (column 16, lines 37-39, where the private side is the location).

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22. As for claim 23, Moore disclosed all of the limitations described in claim 1, including associating the network interface with a location associated with a highest priority netspec in the set (column 13, lines 43-44, where the priority order is the one in the aforementioned queue in the rejection of claim 1).

Claim Rejections - 35 USC § 103

23 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24. Claims 2-3, 6-8, 11-13, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Aaron (Pre-Grant Publication No. US 2004/0268150 A1).

25. As for claim 2, Moore disclosed all of the limitations described in claim 1, including using a network interface module but did not explicitly state it consisting of one of a firewall, a router, a sniffer, and an intrusion detection module, a behavior blocking module, or a network communications module. However, Aaron did teach it consisting of one of a firewall, a router, a sniffer, and an intrusion detection module, a behavior blocking module, or a network communications module (0044, lines 5-7). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Moore, to use a firewall module, as taught by Aaron, as firewall

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technology was available and in common use at the time. Furthermore, utilizing firewall technology would have been sought after to produce a safer computing environment in a viral computer age.

26. As for claim 3, Moore disclosed all of the limitations described in claim 1, but Moore did not explicitly state a user of the client computer adjusts firewall settings to set network policies. However, Aaron did teach a user of the client computer adjusts firewall settings to set network policies (0044, lines 4-7) based upon location (0042, lines 4-11, where the IP address is a location). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Moore, to utilize user settings in conjunction with firewalls, as taught by Aaron. At the time, many firewall systems, pop-up blockers, email filters, etc. allowed people to block specific addresses. Furthermore, utilizing firewall technology would have been sought after to produce a safer computing environment in a viral computer age.

27. As for claim 6, the combination of Moore and Aaron taught all of the limitations described in claim 1. In addition, Aaron taught wherein a user of the client computer prioritizes the set of netspecs via a prioritization module (0050, lines 20-23).

28. As for claim 7, Moore taught all of the limitations described in claim 1, including wherein the step of associating the network identifications with locations comprises using a network probe (column 13, lines 59-67 to column 14, line 1) and the concept of

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the netspec (column 13, lines 59-67 to column 14, line 1). But Moore did not explicitly state doing so in conjunction with databases. However, Aaron did teach such a concept (0040, lines 29-36; 0044, lines 7-10). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Moore, to utilize device databases, as taught by Aaron. At the time, doing so would have provided more efficiency to the system and was in common use for data storage.

29. As for claim 8, the combination of Moore and Aaron taught all of the limitations described in claim 7 above. In addition, Moore taught wherein a user of the client computer modifies the netspec database via a location setting module (column 14, lines 52-56, The NLRSP modifies the database of netspecs by changing the location names of the netspecs. Furthermore, in the example given, the NLRSP names the location helpingout.org when the client is volunteering at a local agency. The name helpingout.org signifies that the user modifies the database location names because the computer would not know that the human user was volunteering at a local agency unless explicitly told).

30. As for claim 11, Moore disclosed all of the limitations described in claim 10, including using a network interface module but did not explicitly state it consisting of one of a firewall, a router, a sniffer, and an intrusion detection module, a behavior blocking module, or a network communications module. However, Aaron did teach it consisting of one of a firewall, a router, a sniffer, and an intrusion detection module, a behavior

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blocking module, or a network communications module (0044, lines 5-7). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Moore, to use a firewall module, as taught by Aaron, as firewall technology was available and in common use at the time. Furthermore, utilizing firewall technology would have been sought after to produce a safer computing environment in a viral computer age.

31. As for claim 12, Moore disclosed all of the limitations described in claim 10, but Moore did not explicitly state wherein the network interface module is a firewall, and the network policies are implemented on a packet-by-packet basis. However, Aaron did teach wherein the network interface module is a firewall, and the network policies are implemented on a packet-by-packet basis (0040, lines 29-36). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Moore, to use a firewall module, as taught by Aaron, as firewall technology was available and in common use at the time. Furthermore, packet transmission is and was the standard form of transmission of networks.

32. As for claim 13, the combination of Moore and Aaron described all of the limitations described in claim 12 above. In addition, Aaron taught wherein locations are correlated with firewall settings on a distributed basis within the firewall (0042, lines 4-11, where the IP address is a location).

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33. As for claim 16, Moore disclosed all of the limitations described in claim 10, but Moore did not explicitly state a netspec database associating the netspecs with locations. However, Aaron did teach such a system (0040, lines 29-36; 0044, lines 7-10). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the teachings of Moore, to utilize device databases, as taught by Aaron. At the time, doing so would have provided more efficiency to the system and was in common use for data storage.

34. As for claim 17, the combination of Moore and Aaron disclosed all of the limitations described in claim 16. In addition, Moore taught coupled to the netspec database, a location setting module adapted to enable a user of the client computer to associate the locations with the netspecs (column 13, lines 59-67 to column 14, lines 1).

Response to Arguments

35. Applicant's arguments filed 11/17/2008 have been fully considered but they are not persuasive.

36. The applicant argues on page 9 that “**there is no disclosure, however, of sorting a set of netspecs in a priority order.**” However, as addressed in the claim rejections 1, 10, and 21, the term priority order, in its broadest reasonable interpretation can be viewed as anything that contains a priority. Thus, unless the system specifically attempts to sort the information randomly, then the data is set in a priority (i.e. the

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priority could be the next one in line in a queue for example). An example of a priority order could be found in column 29, lines 45-48, where the location information is cached and caches use many one of many common priority orders such as: FIFO, LIFO, etc. Thus, it is highly encouraged that the applicant explicitly point out in the claimed language (or by definition in the specification), any relevant information that would implicate the specific priorities associated with the applicant's invention.

37. Lastly, the remaining arguments given are also directed towards the concept of the sorting of the netspecs and are thus, addressed directly above.

Conclusion

38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH L. GREENE whose telephone number is (571)270-3730. The examiner can normally be reached on Monday - Thursday from 9:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JLG

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451